

REMARKS

Claims 1, 3, 4, 6-10, 12-15, and 17-21 remain in the application. Claims 1, 17, and 21 are independent. Claims 1, 3, 6, 10, and 12-15 have been amended to more clearly define the invention. Claims 2, 5, 11, and 16 have been cancelled. Claims 17-21 have been added to the application.

Specification

The specification has been amended in accordance with MPEP 2163.06 to merely clarify the embodiments described therein. In particular, the specification has been amended to clarify that the third sheet 20 is permanently affixed to the first sheet 12. Referring specifically to page 5, line 10 of the specification, "[t]he third sheet 20 may be attached to one of the first and second sheets 12,16 by any conventional method including, but not limited to, pressure sealing, heat sealing, stitching, and so on." Hence, these examples indicate that the third sheet 20 is attached in such a manner as to not be releasable from the first sheet 12 without damaging the waste removal device, i.e., permanently affixed. In addition, the specification has been amended to change the terminology of "open edge" to "top edge" in accordance with the Examiner's claim rejections outlined below.

Claim Rejections – 35 U.S.C. §112

Claims 6-15 stand rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. More specifically, the Examiner rejects the use of the terminology "open edge" in claims 6, 10, and 11. The terminology "open edge" has been removed from claims 6 and 10 and claim 11 has been canceled.

Claim Rejections – 35 U.S.C. §102

Independent claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by Patience (U.S. Pat. No. 3,062,371) and Finch et al. (U.S. Pat. No. 5,954,201).

The invention as now claimed in claim 1 defines over the prior art or any combination thereof by reciting a waste removal device comprising a first sheet having an inner surface, a

second sheet attached to the first sheet and at least partially overlying the inner surface to define an envelope, and a third sheet made from an absorbent material and **permanently affixed** to one of the first and second sheets and overlying at least a portion of the inner surface of the first sheet.

Patience teaches a sterile package for enclosing gauze and the like wherein the sterile package comprises a first sheet having an inner surface, a second sheet attached to the first sheet and at least partially overlying the inner surface to define an envelope, and a third sheet made from an absorbent material overlying at least a portion of the inner surface of the first sheet. As noted by the Examiner, Patience does not teach the third sheet being attached to the first sheet. Instead, the Examiner refers to the background in Patience, which suggests that bandages in the prior art are **releasably attached** to the first sheet. Hence, even the prior art bandages are **not permanently affixed** to the first sheet.

Finch et al. teaches a similar package comprising a first sheet having an inner surface, a second sheet attached to the first sheet and at least partially overlying the inner surface to define an envelope, and a third sheet made from an absorbent material overlying at least a portion of the inner surface of the first sheet. Finch et al. teaches the third sheet (absorbent article) being **releasably attached** to the first sheet and second sheet by way of a special adhesive. Finch et al. **does not disclose permanently affixing** the third sheet to the first sheet.

In summary, neither Patience nor Finch et al. disclose permanently affixing the third sheet to the first sheet. For this reason, Applicant respectfully submits that independent claim 1 is placed in condition for allowance.

Applicant respectfully submits that dependent claims 3, 4, 6-10, and 12-15 are also placed in condition for allowance based on their dependency to claim 1 and the failure of the references to suggest claim 1.

In addition, Applicant respectfully submits that new claims 17-21 are placed in condition for allowance for the reasons set forth above and further for the following reasons. Claim 17 requires that a longitudinal edge of the first sheet is at least three times a length of the side edges of the second sheet. Finch et al. discloses a longitudinal edge that is only twice a length of the side edges. Claim 17 also requires that the third sheet substantially overlie the inner surface of the first sheet. Neither Patience nor Finch et al. discloses the third sheet

substantially overlying the first sheet. Claims 18-20 are dependent on claim 17. Claim 21 covers a method for operating the waste removal device of the present invention. None of the references suggest the method of claim 21.

Claim Rejections – 35 U.S.C. §103

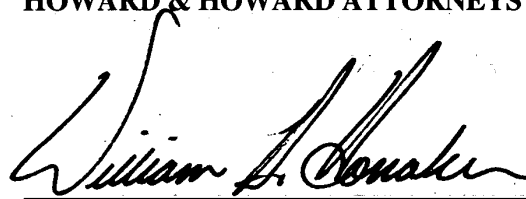
Claims 2-9, 13, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Patience. These rejections are now moot based on the arguments above.

Applicant: Dean, Jesse Max
Serial No.: 09/931,976
Page 12 of 13

Atty Docket No. 60,491-002

Applicant believes the application is now in condition for allowance, which allowance is respectfully solicited. Applicant believes that no additional fees are required, however, the Commissioner is authorized to charge our Deposit Account No. 08-2789 for any additional fees or credit the account for any overpayment.

Respectfully submitted,
HOWARD & HOWARD ATTORNEYS

A handwritten signature in black ink, appearing to read "William H. Honaker", is written over a horizontal line.

June 10, 2003
Date

William H. Honaker, Reg. No. 31,623
Howard and Howard Attorneys, P.C.
The Pinehurst Office Center, Suite 101
39400 Woodward Ave.
Bloomfield Hills, MI 48304-5151
(248) 723-0422